



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

FINAL

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

DATE: July 13, 2011

##

TO: Board of Supervisors

SUBJECT: OPTIONS FOR UPDATING EQUINE REGULATIONS IN THE ZONING ORDINANCE, POD 10-010 (DISTRICT: ALL)

SUMMARY:

Overview

On March 2, 2011 (2), the Board of Supervisors directed staff to work with the equine community and investigate options that would protect and promote equestrian operations in the unincorporated area including exploring various permitting options. The focus of the potential changes is existing County regulations pertaining to the permitting of horse stables – in particular, the requirement to obtain a Major Use Permit for a commercial horse stable in certain areas of the unincorporated County, regardless of size or operating characteristics. The purpose of this item is to present options for updating equine regulations in the County's Zoning Ordinance and receive direction from the Board. Four options have been developed and are discussed in detail in this report.

Recommendation(s)

PLANNING COMMISSION

1. If the Board of Supervisors directs staff to undertake an ordinance to update equine regulations, Option B should be selected.

CHIEF ADMINISTRATIVE OFFICER

2. Receive staff's report.
3. If the Board concurs with the Planning Commission and staff, update the Equine Ordinance using Option B.
4. If the Board proceeds with Option B, establish appropriations of \$350,000 in the Department of Planning and Land Use, Services and Supplies, to prepare necessary studies, based on General Fund fund balance available. (4 VOTES)

Fiscal Impact

Funds for this request are not included in the Fiscal Year 2011-12 Operational Plan for the Department of Planning and Land Use. If the recommendation to select Option B is approved, this request will result in Fiscal Year 2011-12 costs of \$350,000. The funding source is General Fund fund balance available. No additional staff years are

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required.

The recommended action to pursue Option B will necessitate an environmental analysis. If the Board selects Option A, an environmental analysis for the proposed project may still be required. Either of these options will result in estimated costs of \$350,000 for procuring professional services for preparation of an Environmental Impact Report (EIR). Option C, if selected, would require procurement of professional services to prepare technical environmental documents at an estimated cost of \$150,000. No costs are associated with Option D.

The addition of the equine regulations project can be accommodated by existing staffing levels. However, this project fully allocates advance planning staffing commitments for Fiscal Year 2011-12. Any further projects added to the Fiscal Year 2011-12 advance planning work plan would require additional staffing and/or funding.

Business Impact Statement

An ordinance pursuant to options A, B or C would provide additional opportunities for development of horse stables when compared to the existing process. Existing County equine businesses currently without a required use permit could be permitted due to greater permit flexibility that would result from updating the Zoning Ordinance. There would also be opportunities for new horse stable businesses to be established more quickly and at less cost to the applicants with a more flexible ordinance.

Advisory Board Statement

N/A

BACKGROUND:

On March 2, 2011 (2), the Board of Supervisors directed the Chief Administrative Officer to work with the equine community and any other interested parties to investigate options that would protect and promote equine operations throughout the unincorporated areas of San Diego County, including the potential development of a tiered equine ordinance, assessing the costly and burdensome equine regulations and exploring any other appropriate changes, and report back to the Board within 120 days. Since then, staff has collaborated with community representatives and other equine stakeholders to evaluate the County's existing equine regulations and outline possible approaches to improving those regulations for consideration by the Board. Four options are presented within this letter for the Board's consideration, as listed below and discussed further in a following section:

- Option A: Ministerial Approval – Expand areas in the county where horse stables are allowed with ministerial permits.
- Option B: Tiered Ordinance – Develop regulation tiers that are more restrictive with the intensity of the equine options, starting with a ministerial approval for the least intensive.
- Option C: Minor Changes – Where horse stables currently require discretionary permits, minor regulation changes would be made for a more streamlined approval process.

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- Option D: Status Quo – Where horse stables currently require discretionary permits, permitting would remain unchanged.

HORSE STABLES VERSUS PRIVATE HORSEKEEPING

Based on the direction of the Board, the focus of the regulation changes considered in this report are for non-private equine operations. The keeping of horses owned solely by the occupants of a property is referred to in County regulations as “Horsekeeping” and would not be affected. The private Horsekeeping use is allowed without the need for permits on most properties in the unincorporated county. In such cases, occupants of a property may have an unlimited number of horses under their ownership for their own use. A horse allowed under the Horsekeeping use is required to meet animal enclosure setbacks and a building permit may be necessary for an associated shade structure, stable or barn.

“Horse Stable” is the term used in County regulations for all other types of horse uses, such as boarding, breeding, camps, riding lessons and other commercial equestrian uses on privately owned properties in the County. If a property contains any horse not owned by the occupants of the property or hosts any commercially related activities, it is considered a Horse Stable use.

Horse stables require a discretionary permit in large portions of the unincorporated county; however, there are also areas where horse stables are allowed without a discretionary permit. The Horse Stable use is broken into two subcategories: Boarding & Breeding Stable and Public Stable. These two types of stables are either not permitted, permitted (allowed “by-right”), or permitted with a use permit (either Minor or Major) depending on the Animal Designator applicable to a property. A use permit is required for a horse stable in the western half of the unincorporated county due to the issues associated with siting a stable in more densely populated areas. A discretionary permit provides a public process to review a project and address community concerns by requiring improvements and mitigation. Typical issues associated with a stable are traffic, manure management, odors, vector control, stormwater management, dust control, structure size and proximity to neighbors. In addition to the requirement for a use permit, other permits and clearances may be necessary, such as road improvements, vector control plans, setbacks, grading and building permits.

In the eastern half of the unincorporated county, horse stables are permitted without the need for a use permit in many areas. However, these areas are typically remote and sparsely populated rural areas of the county. Please see Attachment A for maps of these areas.

RESEARCH AND STAKEHOLDER COORDINATION

Jurisdictional Review

In comparison with other large counties in Southern California, the County’s allowance for Horsekeeping, which allows an unlimited number of privately owned horses without limits in the unincorporated area, is considered unique. Requiring a use permit for the commercial Horse Stable use type is consistent in most other counties. However, all other counties researched have limits on the number of horses and the acreage of the property for both the private use and commercial use types.

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Stakeholder Outreach

Over the past year, staff has been approached by various equine stakeholders from the equine community regarding horse stables. Staff met directly with stakeholders to discuss issues identified by the equine community. In addition, staff approached the community planning and sponsor groups in the areas that would be most affected by ordinance changes and facilitated stakeholder meetings to discuss ordinance options. During these meetings, stakeholders have recommended various changes to the permitting of horse stables. Most notable, stakeholders commented that the use permit requirement for a horse stable should be amended to allow greater flexibility, especially for smaller horse stable operations.

The requirement of a use permit for a commercial stable has been part of the Zoning Ordinance for more than 30 years. However, processing a use permit when this requirement went into effect was very different from the process today. The costs and time associated with permit processing for compliance with the California Environmental Quality Act (CEQA) and other local, state and federal requirements has made a use permit difficult to obtain for many equine stakeholders. Stakeholders prefer a ministerial permit, specifically a permit with over-the-counter type processing, for a horse stable rather than a discretionary permit. Most stakeholders did not object to having to obtain permits. They object to the cost and time associated with a use permit and the lack of permit flexibility.

OPTIONS FOR BOARD CONSIDERATION

Based on Board direction, staff has developed options for updating equine regulations using the above described discussions with stakeholders. Staff does not propose any changes to private horsekeeping as these regulations already protect and promotes private horse usage without a commercial component. Staff has developed the following options for updating equine regulations related to Horse Stable uses:

Option A: Ministerial Approval

This option would eliminate the need for a discretionary permit for a horse stable in all zones where a use permit (Minor or Major) is currently required. Although no discretionary permit would be required for a horse stable and, therefore, improvements and mitigation may not be required for a project, the Zoning Ordinance could still be tailored to require compliance with some regulations for a horse stable by use of a ministerial permit. It is important to note that if this option were put into effect, there would still be parts of the county where a horse stable would not be allowed due to zoning.

This option would:

- Allow a stable without the need for a discretionary permit.
- Keep essential existing limitations and regulations; update where necessary.
- Merge public stables and boarding/breeding stables into one use type, horse stable.
- Create a new Horse Stable use section with all necessary limitations and regulations.
- Require substantial changes to the Animal Schedule which would affect the greatest number of Animal Designators.

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Advantages:	Disadvantages:
<ul style="list-style-type: none">▪ Likely to be supported by the equine community.▪ Streamline the process for Horse Stables and eliminate discretionary permits.	<ul style="list-style-type: none">▪ Has the potential to create significant impacts due to compatibility issues (traffic, air quality, water quality, odor, noise).▪ Requires an Environmental Impact Report (EIR) for proposed changes since it would allow uses that may cause significant impacts▪ Removes the ability for community review and possible mitigation measures/improvements as part of a discretionary permit.

Option B: Tiered Ordinance

The Tiered Ordinance option would eliminate the need for a discretionary permit for some horse stables in zones where a use permit is currently required. The ordinance would have more restrictive regulations based on the property size and number of horses. The first tier would require a ministerial permit. Subsequent tiers would require discretionary permits.

This option would:

- Allow horse stables with tiers of regulation depending on property size and number of horses.
- Keep some existing limitations and regulations; update where necessary.
- Merge public stables and boarding/breeding stables into one use type, Horse Stable.
- Create a new Horse Stable use section with all necessary limitations and regulations.
- Require changes to the Animal Schedule.

This option could be structured with two tiers or three tiers. In general, most other jurisdictions as well as equine care publications reviewed by staff have or recommend a maximum number of approximately 4-8 horses per acre. Therefore staff proposes to utilize a threshold of eight horses per acre as its ministerial tier. Eight horses per acre equates to approximately one horse per 5,000 square feet of area. The number of tiers and number of horses for other tiers requiring a discretionary permit will be determined through the ordinance development process with public input.

The threshold of eight horses per acre is based on a number of criteria, including: animal enclosure setbacks, building setbacks, building size limitations, usable site area, riding areas, corral areas, parking and horse trailer storage, sufficient manure management areas, traffic, fire and emergency access, impacts to neighbors and dust control. It is important to note that the above criteria would be incorporated into the ordinance and would establish a baseline to be used for the permitting of a commercial stable. Up to eight horses per acre may not be possible if the site does not meet these criteria. Additionally, an increase in the number of horses on a property over eight per acre could have a more significant level of impacts. Therefore, staff recommends the above number of eight horses as a basis for discussion for a draft ordinance; however thresholds could still change as an equine ordinance is developed.

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Advantages:	Disadvantages:
<ul style="list-style-type: none">▪ Streamlines the process for horse stables and eliminates the need for a discretionary permit for smaller operations.▪ Provides a compromise by allowing less intense Horse Stable operations without a discretionary permit while still requiring discretionary review for more intense uses that may impact surrounding properties.▪ Likely to be supported by planning groups. In discussions with the equine community, this option would also appear to be acceptable to most equine stakeholders.	<ul style="list-style-type: none">▪ Requires an EIR for proposed changes since it would allow uses that may cause significant impacts.▪ Has the potential to create impacts due to compatibility issues (traffic, air quality, water quality, odor, noise) related to smaller stables.▪ Removes the ability for community review and imposition of conditions as part of a discretionary permit for smaller stables.

Option C: Minor Changes

The Minor Changes option would continue to require a discretionary permit for a horse stable. However, instead of a use permit, the permit required could be changed to an Administrative (AD) Permit in some or all areas. Therefore, this could be a two-tiered option with a lower AD Permit tier and an upper use permit tier. Or, it could simply change the requirement from a use permit to an AD Permit in all zones where a use permit is currently required.

This option would:

- Keep the existing public stable and boarding stable use types separate so as not to have major changes.
- Be similar to Option B, however without a ministerial tier.
- Keep most existing limitations and regulations with minor changes to the Animal Schedule.
- Maintain the requirement for a discretionary permit where currently required.
- Require environmental review of the minor changes.

Advantages:	Disadvantages:
<ul style="list-style-type: none">▪ Can likely be processed with a Negative Declaration and, therefore, would be less complex to process than Option A or B.▪ Keep community review and conditions as part of discretionary permits in all situations.	<ul style="list-style-type: none">▪ Would not substantially update the code, but could be a fallback option if Options A or B encounter major issues.▪ Does not satisfy all equine stakeholder concerns.

Option D: Status Quo

The Status Quo option would maintain regulations as they are with no changes. Zoning Animal Regulations may be further addressed as part of a comprehensive zoning update to follow the General Plan Update.

At their May 20, 2011 hearing, the Planning Commission, by a vote of 7-0-0, recommended that should the Board direct staff to undertake an ordinance to update equine regulations, Option B should be pursued.

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OTHER ORDINANCE CHANGES

Other ordinance changes are recommended to be considered as part of the project. An ordinance developed under either options A, B, or C, would revise the definition of “occupant” as it pertains to Horsekeeping. It would be clarified that the occupant may or may not be the property owner. Therefore, this clarification would allow an owner of multiple properties to have horses on any or all of the owner’s properties under Horsekeeping. Also, in either options A, B or C, the accessory structure section with barn square footage is recommended to be amended to state that horse shade structures are not counted toward the barn square footage on a property. Horse shade structures under 300 square feet not requiring a building permit are not necessary to count toward barn square footage on a property under accessory structure limitations. Such shade structures would be more appropriately considered open corral areas, whereas a barn is considered an enclosed building.

Additionally, other County departments have been in discussions with staff regarding additional changes to policies and ordinances depending on the direction staff receives on the ordinance. If a ministerial permit were implemented for some horse stables, various policies, procedures and ordinances may need to be updated due to a discretionary permit no longer being required. Other changes to County policies and ordinances related to equine uses may be brought forward as part of the project in the future, should staff be directed to proceed with options A, B or C.

NEXT STEPS

If the Board selects an option and appropriates funding, staff would begin work on a draft ordinance. A project schedule would be implemented for ordinance development in line with a typical policy and ordinance development project, with a total process time of 18-24 months. Staff would begin preparation of the appropriate environmental documents for an ordinance, such as an EIR. A consultant would be hired to work with staff to prepare an EIR if one is necessary. Regular stakeholder meetings and review of documents would be initiated periodically throughout development of the ordinance. Ultimately, staff would return to the Planning Commission for a recommendation and then the Board for ordinance adoption.

Environmental Statement

This action is for the Board to accept staff’s report and possibly provide further direction for an equine ordinance option for a future Zoning Ordinance Amendment. Therefore, the action is not subject to the California Environmental Quality Act because it is not a “project” as defined in the California Environmental Quality Act Guidelines Section 15378. No environmental determination is required for this action. A comprehensive environmental review will be conducted in conjunction with the future Zoning Ordinance Amendment.

Linkage to the County of San Diego Strategic Plan

The proposed Zoning Ordinance Amendments to the County’s Equine Regulations support the Environmental Strategic Initiative of the 2011-2016 County of San Diego Strategic Plan by developing an ordinance that encourages and protects equestrian uses, an important part of our County’s rural character, while also supporting opportunities for economic growth for horse related business within our rural areas. Furthermore, the proposed amendments would be

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consistent with the Safe and Livable Communities Initiative by continuing to provide for regulatory requirements to assure that equine uses continue to be compatible with surrounding neighborhoods.

Respectfully submitted,



SARAH E. AGHASSI
Deputy Chief Administrative Officer

ATTACHMENT(S)

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: X Yes ☐ No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

☐ Yes ☒ No

PREVIOUS RELEVANT BOARD ACTIONS:

On March 2, 2011 (2), the Board of Supervisors gave direction for Department of Planning and Land Use staff to work with the equine community and investigate options that would protect and promote equestrian operations to simplify process and update the code.

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):

N/A

ORIGINATING DEPARTMENT: Department of Planning and Land Use

OTHER CONCURRENCE(S): Department of Parks and Recreation, Department of Agriculture, Weights and Measures, Department of Animal Services, Air Pollution Control District

CONTACT PERSON(S):

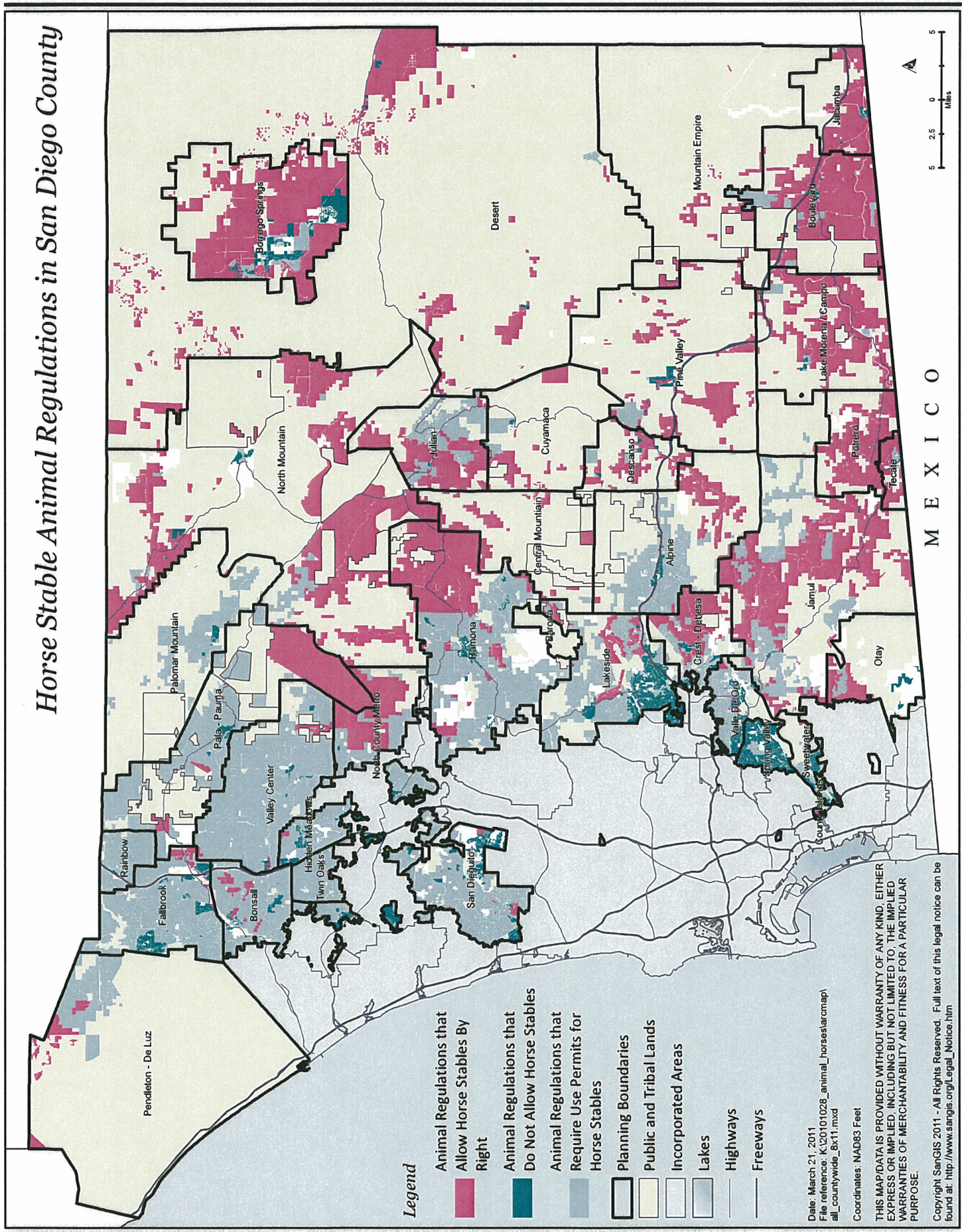
Joseph Farace	Devon Muto
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E-mail	E-mail

Attachment A

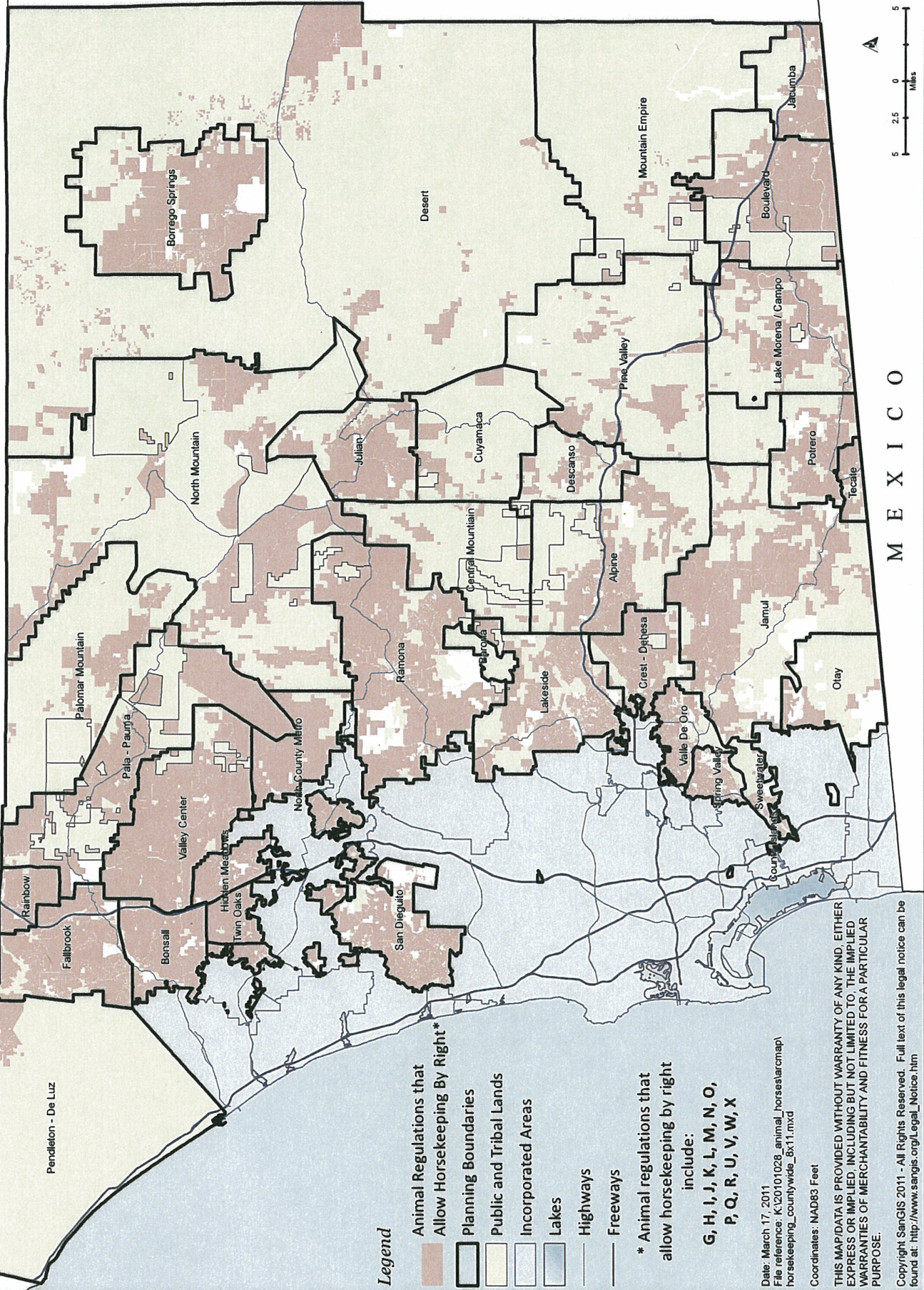
Planning Documentation

Equine Maps

Horse Stable Animal Regulations in San Diego County



Animal Regulations that Allow Horsekeeping By Right



Attachment B

Public Documentation



Project Management Development Processing Land Use Planning
Environmental Analysis Project Representation

March 7, 2011

The Honorable Bill Horn
County Supervisor, District 5
County Administration Building
1600 Pacific Highway
San Diego 92101

Re: Updating Equine Regulations (Board Meeting of 3-2-11, Agenda Item 2)

Dear Supervisor Horn:

I was encouraged to see that Supervisor Jacob and you have directed staff to work with stakeholders to bring forward ideas for updating the horse keeping regulations of the County. We want to contribute to that effort.

Several articles in the local paper have highlighted your concerns regarding the difficulty and cost in obtaining permits for public stables. TRS Consultants' experience working in the unincorporated area over the years confirms that your concerns are well founded. Clients who desired to simply establish stables and keep a few horses tell us the cost of permits and the complexity of the process caused them to give up on their plans. Additionally, these road blocks may dissuade many from obtaining legal permits.

There are two situations we think it would be worth considering: first, the owner who keeps horses on a property where he or she does not live; and second, the commercial boarding or breeding stable open to the general public or private club.

Owners Who Keep Horses on Property They Do Not Own : By the current definition, any stable where the horses are not owned by the residents of the property, is a *boarding or breeding stable*. This type of stable is almost always subject to a Major Use Permit (MUP). The MUP, as you know, plunges the applicant into a cycle of intense planning and environmental review that can add years and tens of thousands of dollars to the process.

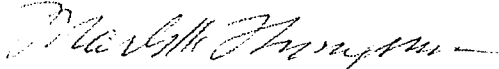
This can be addressed by changing the definition of *horsekeeping* to include the horses of a land owner who does not reside on the property. For the purpose of this definition, clubs or organizations would not qualify as a *property owner*. Horsekeeping is allowed by right in much of the unincorporated area, so this change would provide a broad benefit to County residents. Details are provided in Attachment 1.

Commercial Boarding or Breeding Stable: The case of commercial boarding or breeding stables can be addressed through the Administrative Permit (AD) process. Presently the owner can apply for a MUP or can attempt a Rezone to change the animal designator to allow a boarding or breeding stable by right. Rezones are theoretically less complex than MUPs, but in practice often raise complex issues. A better approach would be to allow commercial boarding or breeding stables by AD, allowing a certain number of horses based on the lot size in appropriate use regulation areas. Where the proposed number of horses exceeds the limits that are set for an AD, the MUP process would still be available. Details are provided in Attachment 2.

We hope this is useful and we welcome assisting in any way to help streamline and simplify equine regulations.

Thank you for your focus on this important issue.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark H. Thompson", with a horizontal line extending to the right.

Mark H. Thompson, AICP
Acting Principal

Attachment 1: Owners Who Keep Horses on Property They Do Not Own

By the current definition, any stable where the horses are not owned by the residents of the property, is a *boarding or breeding stable* (Zoning Ordinance definitions "H") . This type of stable is almost always subject to a Major Use Permit (MUP). The MUP, as you know, plunges the applicant into a cycle of intense planning and environmental review that can add years and tens of thousands of dollars to the process.

This can be fixed by changing the definition of *horsekeeping* to include the horses of a land owner who does not reside on the property. Horsekeeping is allowed by right in much of the unincorporated area of the county as shown in Section 3100 Animal Raising (d) of the ZO so this change would provide a broad benefit to County residents.

We recommend the following definition, with changes underlined:

Horsekeeping: The keeping of horses in an accessory building or on premises where the horses are owned by the occupants of the premises or the property owners, and where no horses are kept for hire. In residential use regulations only incidental sale of personal horses is permitted; no sale of horses as a business is allowed. For the purpose of this definition, clubs or organizations do not qualify as a property owner.

The definition of Boarding or Breeding Stable would also be modified to make this change consistent.

Boarding or Breeding Stable: A stable used for the boarding or raising of horses, ~~including horses not owned by the occupants of the premises, except for horses~~ owned by the occupants of the premises or the property owner. For the purpose of this definition, clubs or organizations do not qualify as a property owner.

The number of horses that a non-resident owner could keep on a parcel could be included in both definitions.

Attachment 2: Commercial Boarding or Breeding Stable

The case of commercial boarding or breeding stables can be addressed through the Administrative Permit (AD) process. Presently the owner can apply for a MUP or can attempt a Rezone to change the animal designator to allow a boarding or breeding stable by right. Rezones are theoretically less complicated than MUPs, but often the range of issues raised approaches those of the MUP, so there has been little or no gain in efficiency. Rezones carry an additional burden of implying to the public that major changes are being requested, when often the change is minor.

A better approach would be to allow commercial boarding or breeding stables by AD, allowing a certain number of horses based on lot size in appropriate use regulations. Where the proposed number of horses exceeds the limits that are set for an AD, the MUP process would still be available.

This would require that *Small Boarding and Breeding Stable* be written into the definitions section of the ZO. It would also require changes to the Animal Schedule under Section 3100 of the ZO to include a new category; *small boarding and breeding stable* for operations where a specified number of number of horses may be kept. The standards for these small operations would be included in the ZO under Section 6156 (Accessory Uses). It will be important that the standards for review under the AD be limited or applications for small boarding or breeding stables will be handled just like MUPs for larger projects.

Bonita Baumgartner
20049 Elfin Forest Lane
Escondido, CA 92029

March 15, 2011

San Diego County Board of Supervisors
1600 Pacific HWY
San Diego, CA 92101

Dear Carl Stiehl:

I recently attended the Board of Supervisors meeting on March 2 , 2011 where the staff was directed to review and revise the zoning ordinance for San Diego County, that applies to equestrian uses and their regulations

I am a long time horse owner (35 years plus) in this county. I lived for 30 years in the east county, and I presently reside in Elfin Forest, a rural area in west Escondido. I presently own horses and compete.

I am also a licensed judge and official for the United States Equestrian Federation (USEF) in the Dressage and Eventing disciplines with 25 years of experience. I believe that horse ownership is an enriching experience, and has a important place in this county, which both enriches the county and is an attractive asset. I am in support of streamlining regulation and making it less onerous while preserving quality of life and best management practices to maintain watershed, trails etc.

I would like to be involved in the planning revision process for the county Equestrian ordinance. I believe I can bring some unique insight into the process as a horse owner, and as a licensed official.

I am also a member of the Elfin Forest/ Harmony Grove Town Council and the Chair of the Equine Ordinance Review Committee. I would like to participate in the DPLU meetings regarding this important aspect of San Diego life.

I am planning on attending the March 30, 2011 DPLU meeting at 9AM.
Sincerely,

Bonita (Bonnie) Baumgartner
760-510-1175 (H)
619-277-7105 (C)
bonniedblb@gmail.com
bonnie@doubleb-ranch.com

cc.Supervisor Ron Roberts
Supervisor Bill Horn
Supervisor Dianne Jacobs
Supervisor Pam Slater-Price

Valley Center Community Planning Group Recommendation

Equine Ordinance Revision Process:

The Valley Center Community Planning Group has reviewed the four equine ordinance update options recommended by the County consultants and recommends that the Tiered Ordinance process be considered for use. The recommendation is based on the following rationale:

- 1) It has been estimated that 80%+ of the horse properties in Valley Center are, in one way or another, technically noncompliant with the current ordinance.
- 2) In the 30+ years since the current set of ordinances was approved, significant changes have occurred in the region with regards to urban/rural limits and regulatory requirements (i.e. CEQA).
- 3) There is much more validated information available now on the keeping and maintenance of horses than there was 30 years ago.

The update of the equine ordinance is needed to assure the rights of the following specific groups:

From the perspective of property owners with horses on the property, reducing the county permitting and zoning requirements, particularly the cost and time involved, is needed to allow reasonable foreseeable use of their properties. The issue of an otherwise angered neighbor generating a complaint hangs over their heads like the sword of Damocles. Addressing practical horse keeping aspects such as boarding of a limited number of horses along with personally owned horses should not cost tens to hundreds of thousands of dollars. This would go a long way to resolving these concerns.

From the perspective of the neighboring properties, implementation of reasonable and effective management practices will protect their property use. These include animal care, vector control, waste management, and runoff control; tempered with recognition that Valley Center is a rural area where the odors and other effects of nature are expected, and in some cases, prevalent.

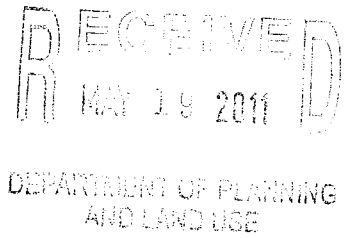
To address the needs of recreational horse organizations and clubs, the ordinance needs to provide a practical and simplified means for these groups to exercise their benefits of education and of teaching responsibility, sportsmanship, and horsemanship for their members. These are an inherent element in culturally rich equine communities such as Valley Center.

Therefore the Valley Center Planning Group would like the equine ordinance revised to reflect the following:

1. A tiered approach to horse zoning and designators.
2. The new ordinance should be clear and concise and applied in a thoughtful and logical way to all properties. The animal designators as applied to particular parcels should not be an accident of history. The current rules and regulations by all County Departments are too convoluted and confusing to small business owners who know horses not bureaucracy.
3. There shall be no conflict between the ordinance and animal health regulations. If there should arise a conflict, any applicable animal health regulations would preferentially apply.
4. Equestrian businesses should be considered agricultural businesses, not commercial. Many of the requirements for a commercial ZAP or MUP either do not apply or are detrimental to the horses (see #3).
5. Livestock and horse shelters should not be considered the same as human dwelling facilities when being reviewed for appropriateness.
6. Any and all permit fees should be reasonable and customary.
7. A voluntary equine technical advisory committee should be formed as a liaison group, serving as a bridge between the County and the stable operator. People should be able to operate a business with a clear conscience and confident that they are in compliance with the law.

In summary, the Valley Center Planning Group would like to see the process of updating the ordinance accomplished in a reasonable time frame that limits the resources and funding requirements placed on the County. However, the current ordinance is antiquated and must be changed. The adversarial and hostile environment between the equestrian community and the County should not continue. The County is more built up and these issues are arising more frequently. This will require a revamping of the ordinance at a basic level, most likely resulting in an EIR. If we want to resolve the problems and issues that we currently have, an EIR cannot be helped and, if done correctly, will take us forward for the next 40 years.

SAN DIEGUITO PLANNING GROUP
Post Office Box 2789
Rancho Santa Fe, 92067



May 18, 2011

Department of Planning & Land Use
County of San Diego
ATTN: Carl Stiehl
5201 Ruffin Road, Suite B
MS O650
San Diego, CA 92123

VIA FAX & U.S. MAIL
858-694-2485

RE: San Dieguito Planning Group
Action re: Equine Ordinance – POD 10-010

Dear Mr. Stiehl,

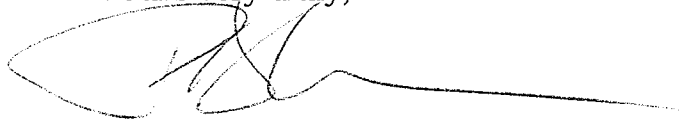
As chair of the San Dieguito Planning Group, I am writing this letter to advise you of action taken by us at our regularly scheduled meeting of May 12, 2011, with respect to proposals for revisions to the Equine Ordinance of the County of San Diego. In particular, we are addressing efforts to permit commercial uses in residential areas for the commercial boarding of horses.

By a vote of 10-0-0, we voted to recommend that there be no change to the ordinance that would permit commercial boarding in residential areas. While there are moderate commercial uses conducted without permits at present, neighbors have the ability to report improper activity. Especially in areas such as Elfin Forest, where there is a high equine population, there are already no limits on the number of horses that can be maintained by a property owner. That situation would be exacerbated if the owner were permitted even a limited number of commercial boardings; it is impossible to count the horses actually owned by the property owner, those who are boarding their horses on the property, as opposed to those owned by others.

Over the last few years, we have dealt with a significant code violation where there is clearly a commercial horse farm and horse boarding and training facility where the property owner has failed and refused to maintain a current major use permit. The property owner claims the horses are owned by her, but there is substantial evidence to the contrary; Code Enforcement is not qualified to resolve such disputes. As difficult as that situation has been, more minor violations are more difficult to show.

While there are limited commercial uses done without permits, the proposals we have seen provide amnesty for these unpermitted uses, without ensuring a suitable enforcement method in the future, and will probably make enforcement more difficult.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Paul Daniel Marks', with a long horizontal flourish extending to the right.

PAUL DANIEL MARKS

PDM:smb

I:\Files\Client\SDPG\Corresp\DPLU 11-05-18 re Equine Ordinance.docx



2011 Board Members:

Jacqueline Arsivaud-Benjamin, Chair
Bonnie Baumgartner, Vice-Chair
May Meintjes, Treasurer
Amy Molenaar, Secretary
Melanie Fallon
Nancy Goodrich
Minoo Sohaey
Gordon Taggart
Sandra Bartsch, At-Large Member
Mid Hoppenrath, At-Large Member

Carl Stiehl, Planner
Advance Planning, San Diego County DPLU
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

May 11, 2011

Re: Proposed update for equine regulations in the Zoning Ordinance

Dear Carl,

The Elfin Forest Harmony Grove Town Council appreciates the opportunity to comment on the proposed updating of the equine regulations in the County of San Diego Zoning Ordinance. Over 78% of our residents feel that keeping horses is important (results of 2005 community survey), and we believe that some limited boarding of horses may help to make this possible for more members of our community. But we feel strongly that horse owners must maintain their horse barns and pasture fencing, follow best management practices (BMPs) regarding storm water runoff and drainage, establish erosion control on slopes, practice on-site insect abatement, and properly dispose of manure and soiled bedding. In addition, the impacts of “non-resident” horses and riders on our trail system and private roads must be mitigated.

Therefore, EFHG Town Council supports the tiered option with the following restrictions:

Tier 1 - Allows horse keeping and boarding of up to 1 horse per acre

Designed to help home horse owners defray expenses of caring for their own horse with minimal impact to the community. This category would allow boarding/leasing of 1 horse per acre (\geq half acre portions rounded up) to a maximum of 4 horses per property with an over-the-counter ministerial permit and full compliance with BMPs. The permit could be revoked for non-compliance and requires personal ownership of at least 1 horse. Any boarded/leased horses must be registered yearly with the County and part of the registration fee should be returned to the local community for code enforcement and trail maintenance (see general notes). Public riding/lessons are not allowed in this tier. No signage is allowed.

Tier 2 - Allows boarding of up to 8 horses per property

Same as Tier 1, but allows boarding of more than 1 horse per acre up to a maximum of 8 boarded/leased horses per property with an approved minor-level affordable administrative permit, and notification of all adjacent property owners. As in Tier 1, full compliance with BMPs is required. Public riding/lessons are not allowed. No signage is allowed. Unlike Tier 1, personal ownership of horses is not a requirement.

Tier 3 - Allows boarding and possible riding establishment

Same as Tier 2, but it would allow public riding and lessons with an approved administrative permit, (with fee set by County but the EFHGTC requests that it be as reasonably-priced as possible.) This process should require the notification of adjacent property owners, submission of a business plan and site plan to ensure that the business will be operated in a safe and non-intrusive manner and that adequate conditions be placed on the business including but not limited to such items as no more than 4 individual riding lessons per day, and that a parking plan be provided for off street parking to limit the impact on neighbors. No group lessons or horse camps would be allowed to minimize impact on neighbors. Full compliance with BMPs is required. No advertising or signage is allowed.

Tier 4 - Allows for larger horse boarding, riding stable establishments – we request that this tier option *only be made available in Harmony Grove, not in Elfin Forest*, as it would be incompatible with existing community character.

Same as Tier 3, but allows for more than 8 boarded/leased horses. This tier would require a major use permit and again the EFHGTC requests the fee to be reasonable and notification of adjacent property owners. Minimal signage allowed.

General notes:

The EFHGTC strongly recommends that a portion of any annual registration fees and permit fees be dedicated to County Code Enforcement and Animal Services specifically for the enforcement of equine BMP's and ordinances in the community where the funds were generated. In addition, we request that the County create a reimbursement system so that a portion of the funds would also be returned to bona fide, not-for-profit representative local organizations willing and able to take on management and disbursement of these funds for local recreational trail maintenance. Where this is not possible, monies would be reserved for County Department of Parks and Recreation for equine related use in the community where funds were generated.

Offspring of boarded horses will be considered to be additional horses when they are 2 years old. Leasing a horse to more than one person will be considered a “public” use, that is, allowed only in Tier 3 and 4. All valid permits are one-time expenses. If permits have been revoked for noncompliance, they must be re-purchased when fees have been paid and enforcement issues have been resolved.

In addition, we understand that our wishes and recommendations may not work in all equestrian neighborhoods in San Diego County and if that is ultimately the situation we would urge the staff, the Planning Commission and the Board of Supervisors to consider making our recommendations specific to Elfin Forest and Harmony Grove through the Animal Use Designator system in the zoning code.

While the EFHG Town Council believes that some of the San Diego County Animal Use ordinances have placed inappropriate financial burdens on “backyard” horse owners in particular, we also believe that horse owners must be prepared to take responsibility for keeping their animals comfortable, their environment healthy, and their neighbors happy. We look forward to further discussions on these proposed updates to the equine regulations in the Zoning Ordinance.

Sincerely,

A handwritten signature in cursive script, reading "Bonita Baumgartner". The signature is written in dark ink on a white background.

Bonita Baumgartner Chair, Equine Ordinance Committee
Elfin Forest Harmony Grove Town Council



RAMONA COMMUNITY PLANNING GROUP

15873 HWY 67, RAMONA, CALIFORNIA 92065

Phone: (760)445-8545

Jim Piva
Chair

June 16, 2011

Bob Hailey
Vice-Chair

Kristi Mansolf
Secretary

Bill Horn, Chair
San Diego County Board of Supervisors
1600 Pacific Highway
San Diego, CA 92101

Chad Anderson

Chris Anderson

Torry Brean

RE: POD 10-010, OPTIONS FOR UPDATING
EQUINE REGULATIONS IN THE ZONING
ORDINANCE, JULY 13, 2011 HEARING

Matt Deskovick

Scotty Ensign

The Ramona Community Planning Group reviewed the options for updating equine regulations in the Zoning Ordinance at their meeting June 2, 2011. The following motion was made:

Carl Hickman

Eb Hogervorst

Dennis Sprong

**MOTION: THE RAMONA COMMUNITY PLANNING
GROUP SUPPORTS OPTION B, THE TIERED
ORDINANCE OPTION.**

The motion **passed 12-0-0-3**, with 3 members absent.

Paul Stykel

Angus Tobiason

Richard Tomlinson

Kevin Wallace

Sincerely,

JIM PIVA, Chair
Ramona Community Planning Group

Attachment C

Stakeholder Meeting Minutes



ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

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EQUINE STAKEHOLDERS MEETING

Wednesday, March 23, 2011

Minutes

Mr. Carl Stiehl, County Planner, welcomed attendees. Present at the meeting were Mr. Joe Farace, County DPLU, Ms. Michell Anne Kimball, SDCEF, Mr. Jim Whalen, SDCEF, Ms. Judy Duncan, VC Subcommittee, Ms. Sally Cobb, VC Subcommittee, Mr. Eric Kallen, TRS Consultant, Ms. Nancy Preston, Rancho Santa Fe Art Jury, Mr. Bill Schwartz, Schwartz Heidel Sullivan, and Ms. Claudia Loeber, County DPLU.

Mr. Stiehl provided an overview of the background history of current equine regulations. At the recent March 2 Board of Supervisors Hearing, the Board directed staff to work with the equine community, to develop ordinance options and to present options and staff recommendations.

Mr. Stiehl explained that current zoning shows, under Animal Regulations, two types of horse uses: "commercial horse stables" and "owned by property owner." Boarding, breeding and public stable uses are in the commercial horse stable category and horses that are owned by property owner are in the other category called horsekeeping.

Looking at an equine land use map, Mr. Stiehl identified areas where stables are not allowed by zoning. These areas represent most of the commercial land use and/or areas of high density in the county. For a commercial horse stable to be permitted in these areas, a property would need to be rezoned.

Mr. Stiehl described four ordinance options. The first one, *Horse Keeping By Right*, would allow stables by right in most of the County's unincorporated land. Next, the *Tiered Ordinance* option allows some horses use by right, some with Administrative Permit (AD), some Minor Use Permit, and a MUP for large projects. This option would require the preparation of an EIR.

Third, *Conservative* option maintains some existing regulations with minor changes. The option would change from a MUP to AD permits in some areas, however there

would be no by right tier. It may be able to be processed without an EIR. The last option would be a *Status Quo Option* where regulations stay as they are.

There was some discussion of key issues to consider for an Ordinance option, such as traffic, grading, community character, etc. It is important to look at adequate ratios of lot size to number of animals, agricultural and MSCP areas in approved plan. The current situation with the Williamson Act is something to consider. It was discussed that the Williamson Act applies to agricultural land and agricultural preserved land where any horse use should be compatible.

Mr. Whalen asked about the role of code enforcement in the selection of an ordinance option. Mr. Stiehl said that if, for example, a Tiered option were put into effect, then many active code cases could be eliminated, some might still need permits, or some could be scaled back to meet compliance.

Related to code enforcement, Mr. Kallen asked what happens when a property owner wants to have horses but he/she does not live in the property. He was concerned about the existing "horsekeeping" definition.

Ms. Kimball was concerned about the "occupant" definition. She explained that many years ago, establishment of ranches occurred without having to have an occupant on a horse property. As an example, she said that renter can own a dog, leave the dog alone, and come back to feed and take care of it. She added that having an "occupant" definition would facilitate resolutions.

Mr. Stiehl stated that revisions to the definition for "horsekeeping" related to this occupant situation has already been considered and should be part of a draft ordinance. Mr. Farace offered to propose it to the Board.

Ms. Cobb expressed her concern over the concept of "boarding occupants." She indicated that while a farm owner can have Farm Employee Housing as a caretaker, a horse boarding owner cannot. She mentioned that defining standards of "care" depends on who's taking care of the horses. Commercial horse use cannot have a caretaker. And Ms. Cobb wanted to know more about caretaker quarters, dwellings.

Mr. Kallen asked if it was possible to have a structure in addition to the owner's principal home. Mr. Stiehl answered affirmatively that a 2nd Dwelling unit is currently allowed.

Ms. Duncan provided her experience of living in housing for workers in a horse ranch in Scottsdale.

Mr. Stiehl explained that it is possible to have a single family manufactured house and a primary residential dwelling on the horse property but that there would be other areas to consider such as room for septic tanks and wells. The group briefly talked about possible new types of septic being discussed as part of the General Plan Update.

Regarding the Conservative option, Ms. Kimball was concerned about small properties that can still be considered horse use by-right and these in turn have more animals the land can handle. Mr. Stiehl explained there would not be a by right tier in the Conservative option.

On a related note, Ms. Cobb wanted to know if the standard change of 1 horse per acre for boarding would require the preparation of an EIR. Mr. Farace answered that it would be required to be reviewed under CEQA and that it would probably require an EIR as part of the ordinance.

Ms. Kimball mentioned that it would be beneficial to have a provision for boarding and riding horses for neighbors without the requirement for a MUP. As an example, Ms. Kimball said that her friend owns four horses and one pony. She wanted to give horse lessons to her daughter's friend but couldn't do it because she was required to apply for a MUP. She would like to not have to apply for a MUP.

Mr. Kallen brought up the issue of "contiguous" properties being in compliance. Ms. Kimball provided an example of an owner living in a forest where not every property owner has horses on his land.

Mr. Farace said that it seemed the group was leaning toward the Tiered Option. Looking at a small boarding stable by-right could mean the property should be of a certain size. Mr. Kallen doubted the Board would support completely eliminating permit requirements for Public Stables.

Ms. Kimball explained that a facility small in size by-right could be used by people teaching horse lessons or taking part in small horse shows. She added that it'd be similar to having a swimming pool in a backyard and inviting the kid next door to come over for a swim.

Group members asked about the financing of the Equine Ordinance option project. Mr. Farace explained that the Planning Department needs to look at both the County's Fiscal Impact and Business Impact. Ms. Kimball added that permitting fees would provide revenues for the County.

As the group talked about standards, Mr. Stiehl made note that many other jurisdictions currently do not go into as much detail as the County of San Diego. Mr. Farace reminded the group that the original goal is to simplify the ordinance because currently, it is confusing. Mr. Stiehl added that horsekeeping is unlimited and that most other counties have a limit to the number of horses allowed on a property. However, the County Zoning Ordinance could be considered conservative with the use permit requirement for horse stables.

Ms. Kimball commented that the average stable according to her research, is on 5 acres with 50 horses and a riding arena; approximately 10 horses per acre.

Ms. Cobbs asked to define what a “usable” acre is as there are some areas with steep slopes that cannot be used.

The group talked about threshold numbers and commented that they can vary throughout the communities in the County.

Ms. Kimball wanted the group to note that there is a difference between “use” of stable and “activity” in the stable. Mr. Stiehl mentioned that, for example, the community of Boulevard has the horse stable use allowed on almost every property and that owners need only to apply for a building permit even on very small properties.

Mr. Kallen explained that it might be a long process to determine what is and what is not “usable” and warned the group against being “too specific.” He recommended having the clause: “Shall be limited to public input” as a way to avoid specificity.

Ms. Duncan talked about the beautiful horse facility she worked for but the group warned about a facility being “fancy” versus a facility being “clean.”

The group asked about fire codes and it was noted that each fire agency could have different regulations and requirements for horse stables.

The group continued talking about a by-right tier for an ordinance. It was noted if an owner had a boutique winery or a horse stable that a situation where the business could have opportunities to continue growing would be beneficial. For example, if there are six horses by-right and the owner wants to ramp up his business, then an AD could allow for an additional number of horses. Ms. Kimball wants the ramp up process to be easy. The AD process would be a checklist showing ordinance requirements. After these have been met, a building permit could be issued.

The group questioned if there was any anticipated opposition to adopting the Tiered Ordinance option. Staff commented that there anticipated county residents who may be in opposition due to private road issues. In addition, there could be a few Planning Group Members who worked on the creation of the Zoning Ordinance in the 1970s who might not feel there’s a need for an update.

The group asked about the building permit requirements for horse shade covers and small covered stalls. Staff responded that Building Code requirements will need to be reviewed to determine what changes could be possible. Staff suggested to the group that the draft ordinance may include an accessory structure section for horses.

In summary, the group favored the Tiered Ordinance option. Carl and Joe will be meeting with other planning group stakeholders and county staff from APCD, Parks, Code Enforcement, DPW and others in the coming weeks. Ordinance options will then move forward to the Planning Commission for a recommendation on options only. Staff suggested the group may invite those interested in the project to attend the Planning

Commission and then Board to voice their opinion or show their support. A Board of Supervisors Hearing could take place as early as May or the latest date to present to the Board would be June 29. The process of the drafting an ordinance with an EIR may take about eighteen months to two years.



ERIC GIBSON
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PLANNING GROUP STAKEHOLDERS MEETING

Wednesday, March 30, 2011

Minutes

Mr. Carl Stiehl, County Planner, welcomed attendees. Present at the meeting were Mr. Joe Farace, County DPLU, Mr. George Barnard, Lakeside Community Planning Group (CPG); Ms. Jean Strouf, Jamul/Dulzura CPG; Ms. Lory Walls, Crest/Dehesa CPG; Mr. Wally Riggs, Crest/Dehesa CPG; Mr. John Degenfelder, Ramona CPG; Mr. Ben Morris, Twin Oaks Valley CPG; Mr. Oliver Smith, Valley Center CPG; Ms. Jacqueline Arsivaud, San Dieguito CPG; Ms. Bonita Baumgartner, Elfin Forest Town Council; Ms. Shelly Fontaine, Elfin Forest Equine Committee; Ms. Susan Brownlee, Valle De Oro CPG; Mr. Jack Wood, Fallbrook CPG; Mr. Len Coultas, Hidden Meadows CSG; and Ms. Claudia Loeber, County DPLU.

Mr. Stiehl provided an overview of the background history of the current equine ordinance. He explained that the initial input to the equine ordinance came from the San Diego County Equestrian Foundation, Valley Center Planning Group Subcommittee, DCAO's office and District 5/District 2 Board letter.

At the recent March 2 Board of Supervisors Hearing, The Board directed staff to work with the equine community, develop ordinance options and present options with a staff recommendation later this year.

Mr. Stiehl explained that current Animal Regulations in zoning have two types of horse uses: "commercial horse stables" which are boarding, breeding and public stables and "horsekeeping" which is the private use of horses by the property owner. When applying for a commercial horse stable, the applicant might encounter three situations: 1) requirement to file for a use permit, 2) horse stables are not allowed, or 3) horse stable is allowed-by-right. In either situation 1 or 3 a building permit could also be required for new or unpermitted structures.

Looking at an equine land use map, Mr. Stiehl identified the areas where stables are not allowed by zoning. These areas tend to be commercial land use and/or areas of high

density in the county. For a commercial horse stable to be permitted in such an area, a property would need to be rezoned. Large areas in a blue color represent most of the county where typical lot sizes are 1, 2 and up to 4 acres. Possible changes that may be included in an ordinance will probably affect these large blue areas.

Looking at a different equine land use map, Mr. Stiehl identified areas where horse keeping is allowed by right which covers most of the county.

Mr. Stiehl described four ordinance options for revisions to the commercial horse stable use types. The first one, *By-Right Horse Stables*, would allow stables by right on most of the County's unincorporated land. It would be controversial and difficult to process and it would require an ordinance level EIR. Next, a *Tiered Ordinance* Option would allow some horse uses by right, some with an Administrative Permit (AD), some Minor Use Permit, and a Major Use Permit for large projects. It would be a 'middle of the road' option and it would require the preparation of an ordinance level EIR.

Third, the *Conservative Ordinance Option* maintains some existing regulations with minor changes. The option would change from a MUP to AD permits in some areas, however, there would be no by right tier. Such an ordinance may be able to be processed without an EIR. The last option would be, a *Status Quo Option*, where regulations stay as they are.

Some key issues to consider were discussed:

1. Lot size versus number of animals
2. Traffic on private roads
3. Community character: intensity of development
4. Best management practices: manure management and vector control regulations
5. Grading and storm water: new biological impacts could occur

Regarding the first option, *By-Right Horse Stables*, Stakeholders voiced the following concerns (underlined) followed by county staff discussion:

1. Cost of an ordinance level EIR's preparation-- staff would roughly estimate \$500,000 along with ordinance changes.
2. Changes to current zoning on specific properties, such as changing an Animal Regulation on a property by property basis-- staff explained that rezoning any properties would be very difficult to do. Staff would need to look at current animal regulations and carefully consider changes. Rezoning individual properties would probably not be recommended by staff with any option.
 - a. There was some discussion regarding the 'Blue areas' on the countywide map-- Most blue areas represent 1, 2, 3 or 4 acres lot sizes. The average

size lot in many of these areas is 2 acres, for example that is the typical lot size in these areas in Valley Center and Ramona.

3. Establishing objectives for the group-- County Staff explained that the equine land use is a significant component of the County's culture, it's out dated, and it's important to work with the equine industry per direction from the Board.
4. Nonconforming land use and Grandfathering-- On a property where an equine land use has not been in use or implemented for more than one year, the nonconforming section of the zoning ordinance would not allow the use to be reestablished. Grandfathered uses would be those already legally established under the current ordinance, therefore prior to 1978.
5. Shade protection requirements for livestock-- Current code allows for some structures under 300 sq. ft. to not require a building permit, such as horse shade covers. Requirements are set forth by Building Code. Stakeholders commented that some equine properties would benefit from not being required building permits for some structures over 300 sq ft. Staff is currently researching this issue.

Regarding the second option, a *Tiered Ordinance* Option, Stakeholders voiced the following concerns followed by County staff answers:

1. Lot size, number of horses and business use-- Staff indicated specifics for numbers of horses and lot size at different tiers have not been developed yet. However, staff provided the group with an example of a 2 acre, small horse stable with less than 6 horses and a riding lesson business component for additional discussion of a lower tier.
2. Business owner practices in conflict when clientele on owner's property-- Staff suggested to look at existing options such as the cottage industry. A cottage industry requires a use permit and it undergoes discretionary review. For example a business person can meet with their clients and have employees on the property in a legally permitted cottage industry.
3. Traffic volume intensity and private road usage-- Staff suggested looking at the combination of horse uses. Staff commented on the recent boutique winery position on private road issues, which is that private road issues are a civil issue outside county prevue.
4. Signage limitations on horse stables -- Staff indicated that projects have to meet zoning ordinance requirements for signs. For example, a sign that reads: "Carl's Ranch" does not necessarily mean that the property has a business or even a

stable and could just indicate a home. However, if the sign reads: "Carl's Ranch Horse Riding, \$10 per hour" then it might be a commercial horse stable business and require a site plan permit for the sign (and maybe a use permit for the use).

5. Permit fees, difficult to afford by typical property owners-- The group provided staff with an example where a property owner cannot afford the \$15,000 fee for a minor use permit. An example of an owner with five horses, limited social security income, hopes to increase standard of living by boarding a few horses, but cannot afford the minor use permit fees was discussed. Staff indicated that a Tiered Ordinance Option should address this issue.
6. 'Non-pollutant' manure disposal is costly and storm water issues arise-- Staff indicated that the Department of Public Works is supporting manure composting.
7. Manure production limitation-- It was discussed a limitation on pounds of manure produced per day could be necessary.
8. Code Enforcement-- Staff explained that properties that have been cited by code enforcement are still subject to code enforcement action, although some cases may be on hold while the new ordinance is in process.
9. Best Business Management Practices-- The group explained that an owner should go through a certification process for BMPs and if in violation, the license may be revoked.

Regarding the third option, *Conservative Ordinance Option*, Stakeholders voiced the following concerns followed by County staff answers:

1. Need specifications on what would be in the ordinance for animals in residential vs. commercial horse stable areas-- Staff indicated that any by-right changes would only apply to those properties within the commercial horse stable land use areas. Staff does not anticipate making any changes to the horsekeeping, private use of horses on private property use type.
2. How do you define commercial? Staff answered that a stable is commercial if a horse on the property is not owned by the property owner whether or not the stable operator is making a profit. This is and has been the policy of the county and how the zoning ordinance has been applied for more than 30 years.
3. Reversible land use-- Some property owners expect to live in a residential zone with the ability to own horses. Not every owner wants to own horses. Changes to the zoning ordinance may affect these horse owners and non-horse people

both positively and negatively. However, staff indicated the intention of the meeting was to address these kinds of issues and begin that discussion.

County staff researched other counties in southern California that are similar to San Diego County's rural and urban structure to understand other equine regulations. The other counties all have acreage limits on the number of horses allowed, for example:

- 1 horse per 1/8 acre (5,000 sq. ft) Orange, County; Los Angeles County
- 1 horse per 1/4 acre (8,000 – 10,000 sq. ft) Riverside County, San Bernardino County.
- Up to 1 horse per 1/2 acre (20,000 sq. ft) depending in zone. Santa Barbara County.

Some other counties overlay their zones, such as equine districts in certain areas. These acreage examples are generalizations of certain residential zones in these counties. In some areas of these counties, no horses are allowed at all, however, very few such areas exist in our county.

In general, some stakeholders commented that they thought the ordinance should not only be limited to commercial horse stables, but should also include the horsekeeping use type. Stakeholders commented that the ordinance may not be able to avoid this issue. Some stakeholders indicated that a limit to the number of horses, possibly by acreage, allowed under horsekeeping might need to be considered.

A member of the group said that after doing research, she found that in San Mateo there is a standard of 1 horse per 1/2 acre in less than 2 or 3 acres. She then researched how much space is required for one horse. She found two figures: 1 acre per 1 horse and 2 horses per 1 acre.

Staff suggested the group to look carefully at standards as some equine stakeholders may call for 10 horses per acre on the other end of the argument.

Another issue discussed by stakeholders was the impact of changing an animal designator in zoning which would allow a new commercial use and that effect on the surrounding property owners. Some stakeholders were unsure if it would be appropriate allow for the commercial horse stable use as some communities are primarily composed of non horse owners. For example a stakeholder commented that the Elfin Forest community survey showed only 27% of residents own horses. Stakeholders commented that residential might object to the changes in community character and possibly life style that could accompany commercial operations sprouting up around them without any input from affected property owners.

Stakeholders commented on whether the current code enforcement mechanism, specifically staffing level and fees are adequate to encourage current horse operations to abide by existing BMPs, and the concept of increasing fees for non compliance so there is an incentive to comply. It was commented that increased freedom should come

increased responsibility. Stakeholders discussed that BMPs seem poorly enforced today, if that side of the equation is not changed and boarding is allowed "by right" anywhere, there could be greater issues with impact of poor manure management and stormwater pollution throughout the county.

The possibility of a low-end ministerial permit was floated by staff with the stakeholders. The idea would be that a nominal permit fee, such as \$100, could be required along with a checklist for the lowest tier horse stable under the second or possibly the third ordinance option. Such a ministerial permit could still be revoked if the property were not in compliance with all regulations. Stakeholders commented that this could be an interesting idea to pursue in the event the Tiered Ordinance option is supported by the Board.

Staff indicated in early April there will be an internal equine stakeholder meeting with Public Works, Parks, Environmental Health, Animal Services, Code Enforcement, etc. that will also discuss these possible ordinance options.

In summary, staff suggested planning group stakeholders discuss possible options with their planning group members. This policy and ordinance development project to update equine regulations will move forward to the Planning Commission, possibly in May, for a recommendation followed by a public hearing at the Board of Supervisors most likely in June.



ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

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INTERNAL COUNTY STAFF STAKEHOLDERS MEETING

Monday, April 4, 2011

Minutes

Mr. Carl Stiehl, Advance Planning, welcomed attendees. Present at the meeting were Mr. Joe Farace, Advance Planning, Mr. Tim Kirkland, Code Enforcement, Mr. Steven Murray, Code Enforcement, Michael Wonsidler, DPW Solid Waste & Recycling, Maryanne Vancio, Parks and Rec, Colleen Carr, Ag Weights and Measures, John Carlson, Animal Services, Nael Areigat, DPW Land Development, Andy Hamilton, DEH APCD.

An overview of the background history of current equine regulations was discussed. At the recent March 2 Board of Supervisors Hearing, the Board directed staff to work with the equine community, to develop ordinance options and to present options and staff recommendations.

Mr. Stiehl explained that current zoning shows, under Animal Regulations, two types of horse uses: "commercial horse stables" and "owned by property owner." Boarding, breeding and public stable uses are in the commercial horse stable category and horses that are owned by property owner are in the other category called horsekeeping.

Mr. Stiehl described the four possible ordinance options. The first one, *Horse Keeping By Right*, would allow stables by right in most of the County's unincorporated land. Next, the *Tiered Ordinance* option allows some horses use by right, some with Administrative Permit (AD), some Minor Use Permit, and a MUP for large projects. This option would require the preparation of an EIR. Third, *Conservative or Minor Changes* option maintains some existing regulations with minor changes. The option would change from a MUP to AD permits in some areas, however there would be no by right tier. It may be able to be processed without an EIR. The last option would be a *Status Quo Option* where regulations stay as they are.

There was some discussion of key issues to consider for an Ordinance option, such as traffic, grading, community character, etc.

The group discussed various topics brought up at the recent Equine Stakeholder Meetings in March. The licensing issue was discussed at length. It was previously attempted to license horses in the 1980s. The program didn't work and it was discontinued. It amounted to a trail tax with tags and did not go over well with many residents of the county. The types of requirements that would be under each option were discussed. The Air Pollution Control codes were recently updated and staff is confident they are in line with any ordinance options as a tool to monitor excessive dust measures. Animal Services have been contemplating updating some portions of the codes they use and that updating could be included as part of this process.

Towards the end of the meeting, it was discussed that the group favored the Tiered Ordinance option. Ordinance options will soon move forward to the Planning Commission for a recommendation on these options. A Board of Supervisors Hearing should take place on June 29. The process of the drafting an ordinance with an EIR may take about eighteen months to two years. Other county departments will be part of the process to ensure all codes are updated as necessary as part of this process.

Attachment D
March 2, 2011 Board of Supervisors
Meeting Minutes



BOARD OF SUPERVISORS
LAND USE AGENDA ITEM

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
2011 FEB 17 AM 11 55
THOMAS J. JACOB
CLERK OF THE BOARD
OF SUPERVISORS

DATE: March 2, 2011
TO: Board of Supervisors
SUBJECT: Exploring Options for Updating Equine Regulations (Districts: All)
SUMMARY:

Overview:

Equestrian facilities and activities have long been a significant component of our backcountry's culture. Recently, the equine community has approached the County of San Diego expressing frustration over costly and burdensome regulations in our zoning ordinance for equine operations.

Our existing equine regulations appear to be out-of-date for the unincorporated areas of the County. It is important that the County of San Diego makes certain that the equine industry continues to have a vital role in our rural communities and operates under regulations that are appropriate and fair.

Today's board letter directs staff to work with the equine community and any other interested parties to investigate options that would protect and promote equestrian operations while ensuring that we have reasonable permit fees and regulations.

Recommendation

CHAIRMAN HORN and SUPERVISOR JACOB:

Direct the Chief Administrative Officer (CAO) to work with the equine community and any other interested parties to investigate options that would protect and promote equine operations throughout the unincorporated areas of San Diego County, including the potential development of a tiered equine ordinance, assessing the costly and burdensome equine regulations and exploring any other appropriate changes, and report back to the board within 120 days.

Fiscal Impact:

There is no fiscal impact associated with this action.

SUBJECT: Exploring Options for Updating Equine Regulations (Districts: All)

BACKGROUND:

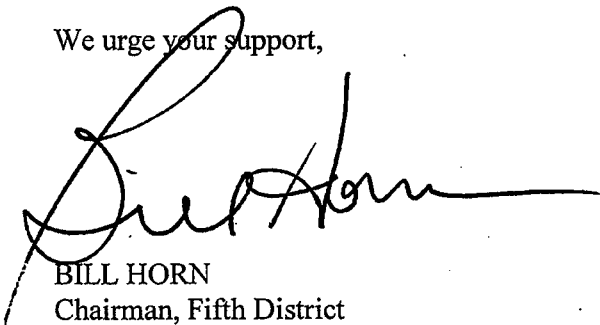
Equestrian facilities and activities have long been a significant component of our backcountry's culture. Recently, the equine community has approached the County of San Diego expressing frustration over costly and burdensome regulations in our zoning ordinance for equine operations.

Our existing equine regulations appear to be out-of-date for the unincorporated areas of the County. It is important that the County of San Diego makes certain that the equine industry continues to have a vital role in our rural communities and operates under regulations that are appropriate and fair.

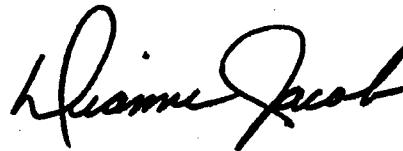
In an effort to achieve this goal, the County should assess the costly and burdensome regulations in the permit process for equine operations and explore the development of a tiered approach similar to the boutique winery ordinance. County staff should also research state law and other jurisdictions to determine if appropriate changes and different approaches are needed. In addition to the Department of Planning and Land Use, other departments such as Agriculture, Weights and Measures, Parks and Recreation and Public Works should also be included in this effort.

Today's board letter directs staff to work with the equine community and any other interested parties to investigate options that would protect and promote equestrian operations while ensuring that we have reasonable permit fees and regulations.

We urge your support,



BILL HORN
Chairman, Fifth District



DIANNE JACOB
Supervisor, Second District

SUBJECT: Exploring Options for Updating Equine Regulations (Districts: All)

**BOARD OF SUPERVISORS
AGENDA ITEM INFORMATION SHEET**

CONCURRENCE(S)

COUNTY COUNSEL REVIEW	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Written Disclosure per County Charter	<input type="checkbox"/> Yes <input type="checkbox"/> No
Section 1000.1 Required	

GROUP/AGENCY FINANCE DIRECTOR	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
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CHIEF FINANCIAL OFFICER	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
Requires Four Votes	<input type="checkbox"/> Yes <input type="checkbox"/> No

GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
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COUNTY TECHNOLOGY OFFICE	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
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DEPARTMENT OF HUMAN RESOURCES	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
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Other Concurrence(s):	N/A
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ORIGINATING DEPARTMENT: Chairman Horn, Supervisor Jacob

CONTACT PERSON(S):

<u>Dustin Steiner (Horn)</u>	<u>Adam Wilson (Jacob)</u>
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E-Mail	E-Mail

AUTHORIZED REPRESENTATIVE: _____

SUBJECT: Exploring Options for Updating Equine Regulations (Districts: All)

AGENDA ITEM INFORMATION SHEET
(continued)

PREVIOUS RELEVANT BOARD ACTIONS:

BOARD POLICIES APPLICABLE:

BOARD POLICY STATEMENTS:

CONTRACT NUMBER(S):

Attachment E
May 20, 2011 Planning Commission
Hearing Minutes

POD 10-010, Agenda Item 1:

1. POD 10-010, Options for Updating Equine Regulations in the Zoning Ordinance, Countywide

In March 2011, the Board of Supervisors directed Staff to work with the equine community and investigate options that would protect and promote equestrian operations in the County, including exploration of various permitting options. Some equestrian users have sought changes to existing County regulations pertaining to the permitting of Horse Stables – in particular the requirement to obtain a Major Use Permit for a commercial horse stable in certain unincorporated areas regardless of size or operating characteristics. Today, Staff will present options for updating Equine Regulations in the Zoning Ordinance, for the Planning Commission's consideration and recommendations to the Board.

Staff Presentation: Stiehl, Farace

Proponents: 41; **Opponents:** 1

Discussion:

Staff provides a brief presentation, during which the various options in today's Report (Options A, B, C and D) are clarified. These options would require funding for preparation of environmental documents and, though none has been identified at this time, a funding source will be determined prior to this Staff's presentation to the Board of Supervisors.

Staff explains that the County's existing equine regulations consist of two use classifications: horsekeeping and horse stables. Horsekeeping is considered an agricultural use type and entails the keeping of horses owned by the occupants of a property, with no commercial uses. Horsekeeping is allowed without a discretionary permit on most properties, whereas horse stables are not, and are regulated throughout much of the County's unincorporated areas. A horse stable is defined as a commercial use type in the Zoning Ordinance for all other types of horse uses (boarding, breeding, riding, racing and other commercial equestrian uses). These commercial uses may involve horses other than those owned by the occupants of the property.

POD 10-010, Agenda Item 1:

Option A would eliminate the need for discretionary permits for all types of horse stables in all zones where a Use Permit is currently required. There would still be parts of the County where horse stables would not be allowed due to zoning, but it is anticipated that this Option would resolve most concerns the equine community currently has with the Zoning Ordinance.

Option B, the Option preferred by Staff and most of those who have commented on Staff's proposals, is a tiered proposal that would eliminate the need for a discretionary permit for smaller types of horse stables in zones where a Use Permit is currently required. The need for a Permit would be based on property size and the number of horses. (Tier 1 could require a ministerial permit, Tier 2 could require an Administrative Permit, and Tier 3 could continue to require a Use Permit.)

Option C would continue to require operators to obtain a discretionary Permit for a Horse Stable; however, the discretionary permit could be changed to an Administrative Permit in some or all areas under a two-Tiered Option, or changed from a Use Permit to an Administrative Permit where a Use Permit is currently required.

Option D would retain the existing regulations. Zoning Ordinance animal regulations may be further addressed as part of a comprehensive Zoning Ordinance update to follow the General Plan Update.

Staff reminds the Planning Commission that other Ordinance changes are being considered as part of this examination of the Equine Regulations: it is recommended that Options A, B and C clarify that the "occupant" definition pertaining to horsekeeping may or may not be the property owner. It is also recommended that the accessory structure section with barn square footage be amended to state that horse shade structures are not counted towards the barn square footage.

Most of those in attendance today continue to support Option B. However, the Commission is reminded that Code Enforcement must be involved to ensure proper monitoring, response to and resolution of certain issues (grading, dust, manure management, traffic, stormwater management, structure size, etc.) regardless of which Option is ultimately adopted.

Most of the Planning Commissioners voice support for Option B as well, but caution Staff to not make the requirements so onerous that they deter compliance. They also encourage Staff to ensure that input from stakeholders in rural communities is obtained.

POD 10-010, Agenda Item 1:

Action: Riess – Beck

Recommend that the Board of Supervisors direct the Chief Administrative Officer to prepare an Ordinance reflecting Option B: Tiered Ordinance, updating the equine regulations and any associated environmental analysis and documentation for consideration by the Board of Supervisors, with the following caveats:

- Ministerial permits are not allowed if the grandfathered structures are not built to code;
- Provisions must be made to ensure adequate access/egress during emergencies;
- The Ordinance must clarify the maximum number to be allowed for horsekeeping;
- BMPs and stormwater requirements should apply to all parcels; and
- Horse stables are to be allowed, so long as they are compatible with the surrounding structures.

Discussion:

It is clarified that it was not Staff's intent at this time to allow horse stables where they are not currently allowed, or revise the horsekeeping regulations.

Substitute Action:

Norby - Pallinger

Recommend that the Board of Supervisors direct the Chief Administrative Officer to prepare an Ordinance reflecting Option B: Tiered Ordinance, updating the equine regulations and any associated environmental analysis and documentation for consideration by the Board of Supervisors.

Ayes:	7 -	Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None